



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Jeff Vincent
Department KP8
IBM Corporation
3605 North Highway 52
Rochester, MN 55901

JUN 2 1998

Dear Mr. Vincent,

This letter is in response to your March 26, 1998 inquiry concerning the reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically, you ask a question about the laboratory exemption under EPCRA section 313.

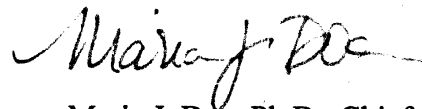
As I understand your situation, an EPCRA section 313 covered facility produces copper panels (*i.e.*, circuit boards). A high percentage of these copper panels are produced as prototypes for facility research and development (R&D). The remainder of the copper panels are incorporated into products distributed in commerce. During production, the copper panels distributed in commerce and those used for research and development are all produced in the same process at the covered facility. Per your follow-up conversation with Sara Hisel McCoy of my staff, I also understand that the copper panels are produced under the direct supervision of technically qualified individuals. You ask if the quantity of copper compounds manufactured and otherwise used for research and development are exempt under the laboratory activity exemption and therefore excluded from threshold determinations.

In general, copper compounds manufactured, processed or otherwise used in a laboratory, at a covered facility, under the direct supervision of a technically qualified individual, are not required to be considered for threshold determinations and release and other waste management calculations. (40 CFR § 372.38(d)) In the situation you present, all copper compounds and any other EPCRA section 313 listed toxic chemicals created or otherwise used during the production of the copper panels are considered towards the EPCRA section 313 manufacturing or otherwise use. At this point in the panel production, the toxic chemicals manufactured or otherwise used in the entire panel production process are not eligible for the laboratory activities exemption. Those toxic chemicals in the panels

distributed in commerce should also be considered towards the processing threshold. The toxic chemicals in the panels tested for research and development purposes become eligible for the laboratory activities exemption while the panels are being tested on-site under the supervision of a technically qualified individual.

I hope this information is helpful to you in making threshold and release and other waste management determinations for the EPCRA section 313 reporting program. If you have any other questions, or desire further information, please call either Sara Hisel McCoy at 202.260.7937 or me at 202.260.9592.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria J. Doa", with a stylized flourish at the end.

Maria J. Doa, Ph.D., Chief
Toxics Release Inventory Branch

cc: IG system
Hotline
Regions